

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

**BLOODWORTH WHOLESALE
DRUGS, a Georgia Corporation,**

Plaintiff,

v.

**VITA MAX, Inc., a Nebraska
Corporation, and VITAMAXRX, Inc.,
an Iowa Corporation, d/b/a FarmVet,
Inc.,**

Defendants.

CASE NO. 8:07CV403

ORDER

This matter comes before the Court on the Plaintiff's Motion to Dismiss Defendant Vita Max, Inc., Without Prejudice (Filing No 20). Pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(i), the Court finds that the action should be dismissed without prejudice. Accordingly,

IT IS ORDERED:

1. The Motion to Dismiss Defendant Vita Max, Inc., Without Prejudice (Filing No. 20) is granted;
2. The Complaint (Filing No. 1) is hereby dismissed without prejudice as to Defendant Vita Max, Inc.; and
3. The parties shall pay their own costs and attorney's fees.

DATED this 18th day of June, 2008.

BY THE COURT:

s/Laurie Smith Camp
United States District Judge